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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
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UNITED STATES OF AMERICA,

CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

Magistrate Docket No. '08 MJ 1243

Plaintiff,

v.

Jose Luis GARCIA,

Defendant

BY: *JP*

COMPLAINT FOR VIOLATION OF:

Title 8, U.S.C., Section 1326
Deported Alien Found in the
United States

The undersigned complainant, being duly sworn, states:

On or about **April 22, 2008** within the Southern District of California, defendant, **Jose Luis GARCIA**, an alien, who previously had been excluded, deported and removed from the United States to **Mexico**, was found in the United States, without the Attorney General or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8 United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.


SIGNATURE OF COMPLAINANT
James Trombley
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 23rd DAY OF April 2008


Jan M. Adler
UNITED STATES MAGISTRATE JUDGE

CONTINUATION OF COMPLAINT:
Jose Luis GARCIA**PROBABLE CAUSE STATEMENT**

On April 22, 2008, Border Patrol Agent G. Tiscareno was performing uniformed linewatch duties in the Chula Vista Border Patrol Station area of responsibility. At approximately 3:00 a.m. Agent Tiscareno received a radio call from Border Patrol Agent L. E. Silva of a suspected illegal entrant alien near an area known as "Kuebler's Water tank." This area is located approximately one mile east of the Otay Mesa, California Port of Entry and one mile north of the United States/Mexico International border.

Agent Tiscareno responded and after a brief search found one individual attempting to conceal himself in some brush. Agent Tiscareno identified himself as a Border Patrol Agent, and questioned the individual, later identified as the defendant **Jose Luis GARCIA**, as to his citizenship. The defendant admitted to being a citizen of Mexico without any immigration documents to legally enter or remain in the United States. The defendant was arrested and transported to the Chula Vista Station for processing.

Routine record checks of the defendant revealed a criminal and immigration history. The defendant's record was determined by a comparison of his criminal record and the defendant's current fingerprint card. Official immigration records of the Department of Homeland Security revealed the defendant was previously deported to **Mexico** on **October 3, 2006** through **El Paso Texas**. These same records show that the defendant has not applied for permission from the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security, to return to the United States after being removed.

The defendant was read his Miranda rights, he was willing to answer all questions without an attorney present. The defendant stated that he is a citizen and national Mexico and that he does not possess any immigration documents to enter or remain in the United States legally. The defendant admitted to his immigration and criminal history and knew he could not re-enter the United States after being deported.